

**REMARKS**

Applicants wish to thank the Examiner for considering the present application. In the Office Action dated August 18, 2009, claims 1-5 are pending in the application. Applicants respectfully request the Examiner for a reconsideration of the rejections.

**REJECTION UNDER 35 U.S.C. § 103**

Claims 1-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosen (U.S. Pat. No. 4,831,619) in view of Zehavi et al. (U.S. Pat. No. 6,005,855). This rejection is respectfully traversed.

Claim 1 recites integrating an area-wide broadcast downlink beam to be used to support point-to-point transmissions of one or more of the multiple spot beams whose transmission capacity has been exhausted. The Examiner points to *Rosen*, col. 4, ll. 30-41, Fig. 9, zones 31, 33, 35 and 37 as well as col. 2, ll. 19-40. Applicants admit that point-to-point and broadcast service is provided in the *Rosen* reference as described in col. 4.

On page 3 of the Office Action, the Examiner states that Rosen does not explicitly show that the downlink beam is used to support point-to-point transmissions of one or more of the multiple spot beams whose transmission capacity has been exhausted. Applicants have reviewed the Zehavi reference and can find no teaching or suggestion of a downlink beam used to support point-to-point transmissions of one or more of the multiple spot beams whose transmission capacity has been exhausted. Applicants admit that Zehavi teaches that when the user's transmission exceeds the capacity of the allocated traffic channel, the user is provided temporary use of an overflow channel. Although the passage that bridges columns 4 and 5 mentions two separate beams of the same satellite, there is no teaching or suggestion for the type of beams being beams that provide point-to-point transmissions or multiple spot beams. Therefore, the

Zehavi reference does not teach or suggest the limitations not provided within the Rosen reference as recognized by the Examiner.

Further, Applicants respectfully submit that the combination of the Rosen and Zehavi reference is improper. For example, the Examiner alleges that “It would have been obvious to one of ordinary skill in the art at the time the invention was made to use, downlink-beam to be used to support point-to-point transmissions of one or more of the multiple spot beams whose transmission capacity has been exhausted, as taught by Zehavi, in order for reducing the number of possible overflow channels, the design of the receiver may be simplified. Applicants respectfully submit that the present claims are directed to a satellite system and therefore referring to a simplified receiver design does not make sense.

This brief explanation falls far short of the type of **explicit analysis** that is required by the Supreme Court in *KSR Int’l v. Teleflex Inc.*, 127 S.Ct. 1727 (2007). Absent such an express teaching or suggestion in the references, the explicit analysis and reasoning must be supplied by the Examiner. *Id.* In other words, the Examiner is required to provide explicit reasoning as to why one skilled in the art would be motivated to construct a system that uses an area-wide broadcast downlink beam to be used to support point-to-point transmissions of one or more of the multiple spot beams whose transmission capacity has been exhausted. Neither reference teaches exhausting of a multiple spot beam and supplementing the spot-beam capacity with an area wide-broadcast downlink beam. The Examiner’s reasoning is unclear as to the motivation. Here, the Examiner merely notes that it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide multiple spot beams whose transmission capacity has been exhausted and fails to provide explicit analysis and reasoning as required. The Examiner’s reasoning merely addresses the Zehavi reference’s exhaustion of overflow of the

beam without regard to the type of beams. More specifically, the Examiner's reasoning fails to address the use of wide-area beams used when spot-beam capacity has been exhausted.

Therefore, the combination of the Zehavi and Rosen references do not teach or suggest that an area-wide downlink beam is used to support the point-to-point transmissions of one or more multiple spot beams whose transmission capacity has been exhausted. Therefore, Applicants respectfully request the Examiner to reconsider the rejection of claim 1.

Claims 2-5 depend upon allowable independent claim 1 and are also allowable for at least the reasons set forth above.

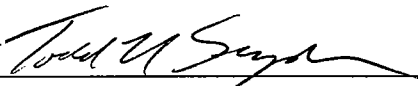
#### **CONCLUSION**

In light of the remarks above, Applicants submit that all rejections are now overcome. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments, the Examiner is respectfully requested to contact the undersigned attorney.

Should any fees be associated with this submission, please charge Deposit Account 50-0383.

Respectfully submitted,

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